

IN THE CLAIMS

Claims 1-8(Canceled)

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--9. (Currently Amended) A data recording method, comprising the steps of:

receiving a variable bit-rate data stream;

temporarily storing said variable bit-rate data stream into a buffer memory;

detecting a continuous recordable area of at least a predetermined size on said recording medium; said predetermined size being determined on the basis of the length of time for which the variable bit-rate data can be reproduced at a maximum bit-rate without an interruption; and

recording the data in the continuous recordable area, in which the recording step includes detecting the length of a remaining portion of the next part, that was not recorded, and if said remaining portion has a length less than said predetermined length, then locating another non-recorded area on said recording medium having a size of at least said predetermined length.

--10. (Currently Amended) A data recording method, comprising the steps of:

receiving a variable bit-rate data stream;

temporarily storing said variable bit-rate data stream into a buffer memory;

detecting a continuous recordable area on said recording medium of at least a predetermined size for which the variable bit-rate data can be reproduced without an interruption; and

recording the data in the continuous recordable area, in which the recording step includes detecting the length of a remaining portion of the next part, that was not recorded, and if said remaining portion has a length less than said predetermined length, then locating another non-recorded area on said recording medium having a size of at least said predetermined length.--

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--11. (Currently Amended) A data recording apparatus, comprising:

receiving means for receiving a variable bit-rate data stream;

storing means for temporarily storing said variable bit-rate data stream into a buffer memory;

detecting means for detecting a continuous recordable area of at least a predetermined size on said recording medium; said predetermined size being determined on the basis of the length of time for which the variable bit-rate data can be reproduced at a maximum bit-rate without an interruption; and

recording means for recording the data in the continuous recordable area, in which the recording means includes means for detecting the length of a remaining portion of the next part that was not recorded, and if said remaining portion has a length less than said predetermined length, then locating another non-recorded area on said recording medium having a size of at least said predetermined length.--

--12. (Currently Amended) A data recording apparatus, comprising:

receiving means for receiving a variable bit-rate data stream;

storing means for temporarily storing said variable bit-rate data stream into a buffer memory;

detecting means for detecting a continuous recordable area on said recording medium of at least a predetermined size for which the variable bit-rate data can be reproduced without an interruption; and

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recording means for recording the data in the continuous recordable area, in which the recording means includes means for detecting the length of a remaining portion of the next part, that was not recorded, and if said remaining portion has a length less than said predetermined length, then locating another non-recorded area on said recording medium having a size of at least said predetermined length.--

--13. (Currently Amended) A data recording method for recording data onto a recording medium to be reproduced by a reproduction device having a buffer memory for temporarily storing the data, comprising the steps of:

inserting variable bit-rate data smaller than a predetermined size; said predetermined size being determined on the basis of the length of time for which the variable bit-rate data can be reproduced at a maximum bit-rate without an interruption;

combining the inserted data with recorded data adjacent to the inserted data to form a data unit of at least said predetermined size;

recording the data unit in a continuous recordable area on the recording medium, in which the recording step includes detecting the length of a remaining portion of the next part, that was not recorded, and if said remaining portion has a length less than said predetermined length, then locating another non-recorded area on said recording medium having a size of at least said predetermined length.--

--14. (Currently Amended) A data recording apparatus for recording data onto a recording medium to be reproduced by a reproduction device having a buffer memory for temporarily storing the data, comprising ~~the steps of:~~

inserting means for inserting variable bit-rate data smaller than a predetermined size; said predetermined size being determined on the basis of the length of time for which the variable bit-rate data can be reproduced at a maximum bit-rate without an interruption;

combining means for combining the inserted data with recorded data adjacent to the inserted data to form a data unit of at least said predetermined size;

recording means for recording the data unit in a continuous recordable area on the recording medium, in which the recording means includes means for detecting the length of a remaining portion of the next part, that was not recorded, and if said remaining portion has a length less than said predetermined length, then locating another non-recorded area on said recording medium having a size of at least said predetermined length.--
